

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BARBARA JACOBS,)
Plaintiff,)
v.) Civil Action Number:
CAVALRY PORTFOLIO SERVICES,) CV-11-RRA-2823-S
LLC; TRANS UNION LLC; EQUIFAX)
INFORMATION SERVICES, LLC; and)
EXPERIAN INFORMATION)
SOLUTIONS, INC.,)
Defendants.)

ORDER

A motion to dismiss has been filed by the plaintiff, to dismiss defendant Equifax Information Services., LLC. The motion requests dismissal with prejudice. As this defendant has not yet answered or filed a motion for summary judgment the court treats the motion as a notice of dismissal pursuant to Rule 41 (a)(1)(A)(i) of the Federal Rules of Civil Procedure which provides:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

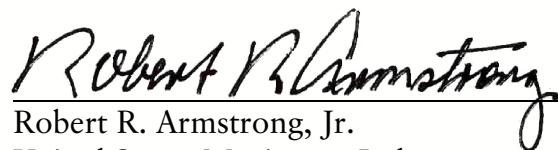
(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed

any federal-or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

Fed. R. Civ. P. 41 (a)(1) (underlining added).

Wherefore, by the action of the plaintiff and the operation of Rule 41(a)(1)(A)(i), this action is DISMISSED, with prejudice, as to Equifax Information Services, LLC.

DONE and ORDERED this 26th day of September, 2011.



Robert R. Armstrong
United States Magistrate Judge